

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JASON BALKUM

Plaintiff,

-v.-

Civil Action No.  
9:09-cv-289 (GLS/TWD)

JOSE GONZALEZ,  
et al.

Defendants.

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APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

JASON BALKUM  
*Pro Se*  
352 Hayward Avenue  
Apt. 1  
Rochester, New York 14609

**FOR THE DEFENDANTS:**

HON. ERIC T. SCHNEIDERMAN  
Attorney General of the State of  
State of New York  
The Capitol  
Albany, New York 12224

RICHARD LOMBARDO, ESQ.  
Assistant Attorney General

GARY L. SHARPE,  
CHIEF JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-  
Recommendation by Magistrate Judge Therese Wiley Dancks, duly filed

April 21, 2014. Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Therese Wiley Dancks filed April 21, 2014 (Dkt. No. 64) is ACCEPTED in its entirety for the reasons stated therein; and it is further

ORDERED that the Defendants' motion to dismiss (Dkt. No. 61) is DENIED without prejudice; and it is further

ORDERED that the Plaintiff is to participate in another deposition and to comply with paragraph I(A)(1) of the Mandatory Pretrial Discovery and Scheduling Order; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance to the local rules.

IT IS SO ORDERED.

Dated: June 4, 2014  
Albany, New York

  
Gary L. Sharpe  
Chief Judge  
U.S. District Court